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CONFIRMATION NO. ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE FIRST NAMED INVENTOR 09/770,108 01/25/2001 Gloriana Marks de Chabris GSH-PT001 5358 **EXAMINER** 7590 03/11/2005 3624 VOLPE AND KOENIG, P.C. BASHORE, ALAIN L UNITED PLAZA, SUITE 1600 PAPER NUMBER ART UNIT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103 3624

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations or time may be waitable under the provisions of 3°CPR 1.78(4), in no event, however, may a raply be timely filed. Educations or time may be waitable under the provisions of 3°CPR 1.78(4), in one event, however, may a raply be timely filed. If the period for reply specified above is lass than thety (30) days, a neply which the statulory minimum of thirty (40) days will be considered timely. If the period for reply specified above is lass than their (30) days, a neply which the statulory minimum of their (40) days will be considered timely. If the period for reply specified above is lass than their (30) days, a neply which the statulory minimum of the making date of this communication. Falliale to reply which me said eventredic period of the part of the communication, even if timely field, may reduce any search part of the communication of the communication. Falliale to reply which me said eventredic period will be a statulory minimum of the communication, even if timely field, may reduce any search part of the communication, even if timely field, may reduce any search part of the communication, even if timely field, may reduce any search part of the communication, even if timely field, may reduce any search part of the communication. If the period part of the communication of the communication of the communication of the communication. If the period part of the period part of the communication of the communication. Application of Claims 4) Claim(s) 1 and 4-27 is/are pending in the application. Application of Claims 4) Claim(s) 1 and 4-27 is/are pending in the application requirement. Application Papers 9) The specification is objected to by the Examiner. Old Claim(s) 1 and 4-27 is/are rejected. Claim(s) 1 and 4-27 is/are rejected. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) Claim(s) 1 and 4-27 is/are rejected to by the E		Application No.	Applicant(s)	
Alain L. Bashore Alain L. Bashore Alain L. Bashore		09/770,108	MARKS DE CHABRIS ET AL.	
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estatement of time may be availation under the provisions of 3 CFR 1.138(a). In no event, however, may a reply be timely filled If the period for reply specified above it less than thirty (30) alway, as upply with the statution or thirty (30) slays, will be considered timely. If the period for reply specified above it less than thirty (30) alway, as upply with the statution or thirty (30) slays, as an apply within the statution of the period of the period of the reply with period the reply with the statution of the statution to secone ABANGONED (30 U.S. C. § 1.13). If No period for reply specified above it less than thirty (30) alway, as apply within the statution of the statutio	Office Action Summary	Examiner	Art Unit	
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1)⊠ Responsive to communication(s) filed on 18 October 2004. 2a)☐ This action is FINAL. 2b)⊠ This action is non-final. 3]☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 ☑ Claim(s) 1 and 4-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ☐ Claim(s) 1 and 4-27 is/are rejected. 7 ☐ Claim(s) is/are objected to. 8 ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9 ☐ The specification is objected to by the Examiner. 10 ☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☐ All b)☐ Some * c)☐ None of: 1.☐ Certified copies of the priority documents have been received in Application No 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)☐ Notice of Draftsperson's Patent Drawing Review (THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any			
2a) This action is FINAL. 2b) This action is non-final	Status			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 4-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1 and 4-27 is/are rejected. 6) Claim(s) 1 and 4-27 is/are rejected to. 8) Claim(s) 2 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 1 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Informal Patent Application (PTO-152)	1) Responsive to communication(s) filed on 18 October 2004.			
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.			
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Paper No(s)/Mail Date 6) [_] Other:				

Application/Control Number: 09/770,108 Page 2

Art Unit: 3624

DETAILED ACTION

Re-issue of previous office action

The previous office action is re-issued without the 35 U.S.C 112 rejections because there was a claim not addressed as pending or rejected in the art rejection previously presented.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-21 are rejected under 35 U.S.C. 101 as non-statutory because the method claims as presented do not claim a technological basis. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the preamble and body of the claim structural / functional interrelationships that are solely by computer (and non-trivial) are considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

The terms "communications network", "heuristic", "data storage means", "schedule supervisor means", "transaction supervisor", all are not solely by computer.

Application/Control Number: 09/770,108 Page 3

Art Unit: 3624

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ordish et al in view of Buist.

Ordish et al discloses receiving an order definition. An order message is

transmitted (col 5, lines 60-63) over a communications network at the time instant

associated with one of the transaction instances (col 6, lines 30-35). A completion

message is received over the communications network identifying a completion status

of the order at the transmitted transaction destination (col 6, lines 48-57). Incomplete

order fills are notified (col 6, lines 38-45). A data storage means, schedule supervisor

means and a transaction supervisor means are present (fig 8).

Regarding the recitation of a transaction destination and a time instant for the

order, this in inherent to Ordish because any electronic communication which will

always include destinations and time instances per se.

Application/Control Number: 09/770,108

Art Unit: 3624

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Regarding the recitation of the order definition defined with an evaluation heuristic, this inherent to Ordish because any electronic communication requires some kind of methodology for sending such per se.

Ordish et al does not disclose:

transmitting at time instances associated with one of the transaction instances; and,

updated orders or revised orders.

Buist discloses updating or revising of book order entries as "counteroffers" (col 3, lines 20-30).

It would have been obvious to one with ordinary skill in the art to include updating or revision of the order because Buist teaches continual change of market conditions (col 9, lines 5-9).

It would have been obvious to one with ordinary skill in the art to include transmitting at time instances associated with one of the transaction instances because Buist teaches that there is a need to transaction after normal market hours (col 2, lines 14-19) and continuous updating (col 2, lines 51-56) to overcome inefficiency

Application/Control Number: 09/770,108 Page 5

Art Unit: 3624

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, the reference to Alkhatib et al discloses electronic communications requiring the importance of destinations, time instances, and methodologies.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alain L. Bashore Primary Examiner Art Unit 3624

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